1835

(Courts)

File No 1. of 1835 Sl. 1.

Corporal punishments in Guyana

To

The Secretary to the Commissioner,
for the Government of the Territories
of the Rajah of Mysore

Bangalore

Sir

I have the honor to acknowledge the receipt of your Circular of the 28th July last, forwarding for report Copy of a letter from the Secretary to the Indian Law Commission, under date 26th June last, requesting to be informed of the effects which have resulted from the abolition of Corporal punishment in Mysore

2 I am led to Conclude, from the unanimous testimony of the Public Officers whom I had Consulted, that the abolition of this punishment has been attended with Consequences otherwise than beneficial to moral improvement, and therefore to the real objects of that humanity which dictated

it.

its suspension; but before proceeding to advert to the instances in which its limited adoption is now advocated I shall briefly notice such information as I have been enabled to obtain with regard to the 2nd. head of your letter, viz.: the expedients resorted to for the punishment of offences of every description under the former Rulers of the Country, because upon these, as indicative of the moral State of the people, must mainly depend, the Applicability as to time at least of a penal System, to such as that which has been recently introduced

3 It would not materially alter this position, if it were proved, that a System marked by equal lenity with that now introduced, had many Years previously prevailed, if insurrections of a severer and more sanguinary nature have been in operation during a lengthened interim; their effects on public feeling must

have

have taken sufficient root to render dubious the success of a sudden transition to a system adapted to a more advanced State of Society -

I here allude to the revival of ~~[illegible]~~ Ct during the administration of Poornah, Corporal punishment was universally prohibited in this territory, and would argue, that even if the Correctness of the assumption were granted the long Course of a different practice during the succeeding Government, would have neutralized the effect on the Public Mind of this prohibition The interdiction may possibly have been issued by the Rawan, though I have not been able to trace it in any of the public records within my reach. but however rigidly enforced, it was assured by persons who held office under that Mussulman, that it was never acted on, as both Males and persons of rank, who had Servants or dependants were Constantly and openly

openly in the habit of resorting to the
Cash, for the punishment of those
under their authority

5 As far as I have learnt,
the gradation of punishment under
this Minister was as follows

Murder and sometimes Gang
robbery, when attended with torture or
other circumstance of atrocity was
punished with death.

For Gang and highway Rob-
beries mutilation was also sometimes,
but rarely inflicted, but imprisonment
in the Hill Forts, and hard labour
in irons, was the Common award for
this species of Crime.

Thefts and robberies of a
less heinous discription, were punish
ed at the discretion of the Amildars,
by lashes from 10 to 10[illegible] These
Officers were not allowed to put
prisoners in irons without reporting
the Circumstance to the Dewan.

6 Capital punishment was

not

not inflicted without the Concurrence of the Resident - Imprisonment with hard labor, was awarded by the Dewan either on personal inquiry or on the report of the Stipendiary Punchayets employed for the purpose, or of the Amildars of Talookes.

7 Though the general Complexion of Poonah's penal institutions appeared then to have been mild for a native Government - it is admitted that towards the termination of his Rule when his measures are supposed to have been more swayed by those about him, and his own disposition more tinctured with asperity, the severer punishments were frequently resorted to - I have not been able however to ascertain any particular instances of such severity

8 Under the management of His Highness the Rajah, the Establishment of an Adawlut Court, would seem at first sight to promise

a

a more regular System, and consequently
the materials for greater exactness, in
pronouncing on the precise nature and
degree of Criminal Sentences. But a
very Cursory inquiry must convince
the Conviction, that the Contrary was
the Case, and that it is impossible to
describe as a System the desultory and
uncertain practice which prevailed.
A Considerable portion of the administra-
tion of Criminal justice was Arbitrary,
Conducted in the Hoozoor Adawlut,
which had a few fixed Rules for
its guidance; but Crimes of every enor-
mity were tried, not only at the Hoozoor,
but likewise in the Bar, Shagird
Pasha, Faidachar, and Killay Cutche
ries, and also in the Sir Ameen's Choultry
G The records of the Adawlut,
and other Cutcherries just mentioned, not
being accessible, I cannot of Course adduce
documents from these Sources, in sup-
port of the uniform testimony of
our witnesses, who assert that the
punishments

punishments inflicted on Offenders in
all these departments, were occasionally
of a far severer Character than those Com
=mon during the preceding Government-
10 ——— The records of the Sur Ameen's
Chaudry being within reach afford com
Confirmation of this Statement. That
mutilation was practised, will appear
from the accompanying fragment
of a Diary Kept by a former Sur Ame
of Sentences announced to him at the
Hoozoor and extending for a period of
about two Months, during which two
Mutilations are ordered; one of the
nose and ear for horse-Stealing: and
the other of the hand, for Shaving in
a Murder. Five Copies of Original
Firmans, of His Highness the Rajah
to the Sur Ameen, are also forwarded;
in one of which, One Woman is senten
ed to have her nose cut off for Im
Continency; but a male Prisoner employ
ed by her to destroy her Child after
its birth, escapes with[2] being drumm

A round

round the town, and expelled from its Precincts. One Prisoner is sentenced to lose his hand, and to be imprisoned in Kapauldroog for Coining; and two to lose their noses, for Note of C. Page 13. The Extracts from the Diary above-mentioned, also record Orders for the infliction of Stripes in two Cases of Theft; and one of drunkenness and quarrelling. The Veroops Contain one Sentence to a similar Punishment, (apparently for an affray) in which no Specification of the number of Lashes is made; the extent of the Punishment being left to the discretion of the Sur Ameen. In other Cases noticed in the Diary and Veroops, (of which an English Abstract is annexed,) Some female Prisoners are Sentenced to have their heads shaven and to be drummed round the town, which Latter is in one Case Commuted for a fine

11 Mutilation does not appear to have been Carried into effect in the Hooz oor Adawlut; although sentences to loss of limb were accordingly pronounced, but Commuted. The only Corporal inflictions in this Court, are said to have been flogging, and applying Gun locks to the ears; a practice Considerably prevalent both as a punishment, and to extort Confession throughout the Country. But the barbarous Custom of maiming, was it is allowed, resorted to in the Dars and the other Cutcherries already adverted to; that of the hand being commonly performed by the Surrahs or Surgeons of the Dars; that of the nose and ears by Jemadars Mullas or any man of low caste

12 I had reserved (under date the 25th July last,) occasion to submit part of a Judicial proceeding in the Dar Cutcherry, on the

trial 5

trial of a Drummer of that Establishment for a Murder in which the Offender was sentenced by a Punchayet to death, and the same by Commuted to imprisonment on Kopaldroog - Do

Considerably greater magnitude has also been brought to my notice within the last few days, partly from other sources, and partly from inquiry suggested in the progress of the trial of a notorious offender named Timmah the leader of a Gang of Dacoits, inhabiting the borders of Yellandoor, and the neighbouring district of Coimbatoor

13 The father of this individual, by name Chingerry, was formerly at the head of a band of the same tribe, whose depredations for sometime spread terror through the surrounding Country, and was seized and taken to Mysore about 10 years since, or in the year 1824/5

1824/5. The band, in supposed revenge for his Capture, Committed various outrages in different parts of the Country, and among the rest robbed a party in Viggur.

A Korrur, named Gony who had shared in this daring attack and was pursued from Viggur, doig-hi-re fuge with the Connexion of Chingerry and his followers. His apprehension being desired, an ex-pedition Against Called Anjenagar Amgapah, from the supposed power of discovering robbers by divination, was Met with a few Cundachar Ooms for the purpose of seizing Gony. After some preliminary Communication with Korrur Kencha, one of the Chief of the Gang this Individual was, partly through the means of a female of the Korrurs, decoyed into a solitary Village, Carried off during the night by a party, about 30 in Number

6 to

to an adjacent Wood, and there, with another, murdered; after which, the bodies were dreadfully mutilated and
15 One of the inhabitants, a Lady of the Village from which they had been taken Contrived however aided by the darkness of the night, to effect his escape, and was speedily forwarded by the nearest Amildar to the Hoozoor. Bidary was no sooner heard then a party of six Companies of Barr, under the Orders of Syed Ibraham Commandant, were despatched to Yellandoor with directions to seize the Kormars, to hang such as were most guilty, and to bring the Women and Children, Prisoners to the Hoozoor.
16 These instructions were obeyed to the letter, for within a few days after his reaching Yellandoor, a number of Kormars (stated variously at sixty, sixty-

two

two, and six by three, were hanged by the Commandant without trial, in the Villages adjoining the Scene of the late murder, and about two hund[illegible] including Women and Children, were taken Captives to Mysore, Chingerry was afterwards executed at Soeilla in the year Viahor 1826/27

17 Some Symptoms of a Recommencement of these outrages, were again shewn in the year Lunajitta or 1827/28, when Shaik Ibraheem was a second time sent to the neighbourhood, and returned with a number of Prisoners, amounting with Women and Children to near one hundred. Of these, three were afterwards hanged near Soeilla Of the Captives taken on this and on the former occasion, nearly two hundred, consisting of females of all ages, and Males under 15 Years are said to have been Sold at 10 Rupees each

in the Arid Barr Cachery, Some died
in the Jail, and the remainder are
said to have been released at the
Assumption of the Country, by whose
order I cannot precisely say. On
the Second accasion, Syed Sorahem
the Commandant, was rewarded with
a Pallkee and an increase of Salary-

18 These proceedings so
repugnant to our feelings, were
however, it would seem, generally
regarded as just and Salutary
Examples; and the execution of
Chingarry for whose release a bribe
of no less than one lac of Pagodas
is reported to have been offered,
was also viewed as an instance of
public disinterestedness. Some
detail of a part of the facts as
they occurred, will be found in the
Accompanying Copy of a deposition
of the Poly, who escaped being
murdered, and in Reports from the
Daghesdar of Yellandoor & the
Amildar of Socilla Tulcad.

19 At the same time that these and other Offenders met with so summary a Chastisement instances were informed, not wanting ~~[illegible]~~ Government, in which mercies were especially by a speedy fine

20 Corporal punishment or flogging with the Kordah (a very large species of Whip,) was practised in all the Talooks & Collectories, and no limit was assigned to the number of Lashes which was discretionary with the Authority inflicting them The Hoodim-nammah to Amildars, Contains no rules for their observance in Criminal Matters, and no other regulations have been discovered

21 But before leaving the subject of punishment under the late Government, it may not be inappropriate to take some notice of methods of punishing Revenue

Offences

Offences on the public Servants or of the expedients employed by them in the Exaction of the Revenue from others, as these Could not have been devoid of influence on the Condition of the people.

22 Under the Administration of the Rajah, it was not an uncommon mode of treatment, when an Amildar failed to make good his Shurty engagements or was convicted of Embezzlements to Summon him to the Hoozoor where he was made to stand in the front of the Palace, (sometime with mud on his head, and Gun Wadds in his ears,) and was flogged with the Kordah occasionally to the extent of one hundred lashes, until he gave Security or Assignments on Towars for his balance Nor were these men Considered as permanently disgraced, but were again appointed to Office.

and

and some of those allowed to be the best Amils of the Mysore School, are now, I believe, in employment after undergoing the degradation of the Ordeal.

Poydars were occasional

the habit of putting the Amildar in irons, for remissness in Collection; and both Amils and Poydars sometimes resorted to the Kordah, to recover balances from defaulters suspected of Contumaciously withholding their dues.

24. In the time of Poornah, these severities were never publicly countinanced, and are said to have been seldom practised to the same extent In Cases of obstinate defaulters, the process was first, simple personal Confinement; then destraint of property. In Cases of Concealed means of liquidation, defaulters were exposed on the public highway with a stone on the head and

as

as a last resource imprisoned in irons.

25 When Order was restored to the Country Amildars were punished by this Minister, on by by dismissal, and instances of this frequency, but I am assured by a very old Amildar, whose veracity on this head I cannot doubt, that for the first few years after the fall of Seringapatam, when the abuses and Corruptions which had attained to such a height under the Rule of Tippoo, were still unsubdued, Corporal punishment was inflicted in aggravated Cases on these Officers

26 These facts, especially the infliction of the Lash on Amildars, which prevailed up to the Latest period of the Rajahs administration, have been chiefly introduced to elucidate the Spirit in which Functionaries displaced must have exercised the important authority vested in them. Restrained by

by no fixed rule holding an Office of much greater Consideration, than attaches to a similar rank under an European Government, and yet liable to be sent for, and publicly at a moments warning; it is little likely, that from the moral Causes which so frequently Combine the tyrant with the slave the unrestricted authority of inflicting Stripes already alluded to, should have been wielded by them with much lenderness or moderation.

27 I shall now return to the first point proposed in your Circular, viz^t the results which have followed the abolition of Corporal punishment in Mysore The Comparative tranquillity of the Country, and the increased promptitude of decision Consequent on the establishment of the Moonsiffs & Provincial Courts have at once shaped, diminished the

10 Amount

mount of felonies and Capital
Offences since the introduction
of the new Rules for the Courts
of Justice, but these are the x x
Crimes to which the
punishment is adapted, and it
is feared, that although something
has been done, and more it is
hoped may be effected by an
improved system of Police,
towards the prevention of robbery
a minor description and Com-
-mon thefts; the other great
instruments of good Government,
viz. the fear of punishment is
under the present restriction in a
great measure wanting -

Q 8 The late system of
severity, has not been Calculated
to produce any Keenness of Moral
Sensibility among the lower orders
of the people generally and the
numerous bands of Rioters,
Lumbaries &c. who in one or
two

ters of the North Eastern Talookes of Nunjerabad, and the Southern Talookes of Nagara, are peculiarly addicted by practice and education, to stealing, are for the most part callous to every feeling of disgrace, Communicate dishonestly, and frequently from their wandering lives and irregular habits, indifferent to the seperation from house and home, which renders imprisonment and hard labor, a severe punishment to the settled Cultivator or Artizan. The prosecution of such Offenders for petty Offences, must now entail Considerably more trouble on the Complainant than punishment on the Accused; and the natural results of Crime, either wholly or inadequately punished, must not only be injurious to the well ordered Classes of the Community; but to the Culprit himself, by encouraging him to further acts of turpitude.

2d That this has in effect in some degree supervened in the City Mysore and its environs, I am assured.

The

The Police is Liberally active, and Offenders are for the most part detected. but the Careless, and even cheerful demeanour of the Convicts as they pass to their Work, and the frequency with which the same persons, who have been Convicted for one theft are brought up for the Commission of another shew that the hard Labor now awarded, has little terror in the eyes of those who suffer it.

30 But though a punishment of a more prompt and rigorous nature, would seem to be required to prevent the hardening and demoralizing effects of unrequited Crime. there is no intention to Recommend a reversion to a System, which, by arming the Public Servants with an instrument of unrestricted Cruelty, would tend to Keep up the degradation to all description of disgrace, produced by the Iniquities of the late Government and thus perpetuate by another process, the very evils now wished to be removed.

Corporal

31 Corporal punishment if again introduced, should be entirely restricted to Cases of theft, never resorted to but with the Sentence of a Punchayet, and limited to the smallest proportion, which could ~~be~~ ensure the production of the proper effect

32 For this purpose, Amildars might be limited to six lashes the Sur Cauzy of Mysore and Moonsiffs to one dozen and the Superintendent might be authorized to punish by flogging, Mutiny in the Convicts under Sentence in the Jails.

33 It may not be altogether foreign to this Subject to remark, that the Superintendent might with advantage be authorized to punish petty Offences in Candachar Cases to the extent of one dozen lashes. It is now a Cruelty to fine these men, whose Salary is low, and the only resource for their punishment is to discharge, and Consequently deprive them of their

12

Their Lordships

Superintendent's Office

Chittagong Division

Mysore

5th September 1835

I have the honor to be

Sir

Your Most Obedient Servant

Signature illegible

Superintendent

Prisoners | Crimes | Punishments | Remarks

Prisoners	Crimes	Punishments	Remarks
Female (no name)	Incendiarism	Nose to be Cut off	
Ameer Hammah	Child murder	To rummed round the City on the Ass, and expelled	
Ali name	Coining	An application of the hand, and imprisonment	Expul-
		= drog	
Kaufoor	Theft	Head Shaved, drummed rosse the City on an Ass and	lled.
no name	no Crime mentioned	One prisoner to be flogged & expelled; and a female	d shaved,
		drummed round the City on an Ass & expelled	
Prada Parmanath	Assault and robbing a Sum of 13 Rps	noses to be Cut off, and drummed round the town	
Roman Aban-	Stealing the horses	noses and ears to be Cut off	
Ramanah		One to be hung, and the hand of the other	It is stated, that th
Murderiah	murder & accomplice	to be Cut off	punishment was not executed
no name	Stealing a Dog	To receive 12 lashes with the Kordah, and to be drummed round the City	
Lukhmee	Stealing a Chowmanah	To restore the property stolen, & pay a fine of 12 Rps & to	The drumming round
Spirit Exam	Robbing a woman's	be drummed round the City	the City to be remitted
Mark Prepar	Cloth	To receive lashes with a Kordah each	on payment of 24
Chait Prepar	Drinking Toddy		Rps, or double the
Chait Indoor			fine

Superintendent's Office
Telegram Branch

(Signed) J. Chalmers
Superintendent

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To The Secretary to the Com
missioner for the Governm
t of the Territories of the
Rajah of Mysore
Bangalore

dated 5th September 1835

Messrs.
Acknowledging the
Circular dated 28th July last,
relating the abolition of Corpore
punishment in Mysore and
with observations thereon
from the Department.

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